

UNITED STATES OF AMERICA §

v. § **CRIMINAL NO. 6:14cr26**

JAMES MATTHEW HERRING §

This Report and Recommendation is submitted to the Court pursuant to 28 U.S.C. § 636(b)(3). This case has been referred by the Honorable Leonard Davis to the undersigned Magistrate Judge for the taking of a felony guilty plea. The parties have consented to appear before a Magistrate Judge.

The defendant pled guilty, pursuant to a plea bargain agreement with the Government to Count One of the Indictment.

1) The defendant, with the advice of his attorney, has consented orally and in writing to enter this guilty plea before a Magistrate Judge subject to final approval and sentencing by the presiding District Judge;

3) The defendant fully understands the terms of the plea agreement;

4) The defendant understands his constitutional and statutory rights and wishes to waive these rights, including the right to a trial by jury and the right to appear before a United States District Judge;

- 5) The defendant's plea is made freely and voluntarily;
- 6) The defendant is competent to enter this plea of guilty;
- 7) There is a factual basis for this plea; and
- 8) The ends of justice will be served by acceptance of the defendant's plea of guilty.

Recommendation

Accordingly, it is hereby RECOMMENDED that the District Judge accept the plea of guilty and enter a final judgment of guilty against the defendant. It is further RECOMMENDED that the plea agreement be approved conditioned upon a review of the presentence report.

The parties have waived their right to object to the finding of the Magistrate Judge in this matter so this Report and Recommendation will be presented to District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 6th day of August, 2014.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE